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HOUSE BILL 748

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO LAW ENFORCEMENT; REVISING REGISTRATION REQUIREMENTS
FOR SEX OFFENDERS; AMENDING A SECTION OF THE SEX OFFENDER
REGISTRATION AND NOTIFICATION ACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-11A-4 NMSA 1978 (being Laws 1995,
Chapter 106, Section 4, as amended) is amended to read:

"29-11A-4. REGISTRATION OF SEX OFFENDERS-- INFORMATION
REQUIRED-- CRIMINAL PENALTY FOR NONCOMPLIANCE. --

A. A sex offender residing in this state shall
register with the county sheriff for the county in which the
sex offender resides.

B. A sex offender who is a current resident of New
Mexico shall register with the county sheriff no later than ten
days after being released from the custody of the corrections

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1 department or being placed on probation or parole, or if he
2 departs the county prior to the passage of ten days, he shall
3 register with the county sheriff prior to his departure. A sex
4 offender who changes his residence to New Mexico shall register
5 with the county sheriff no later than ten days after
6 establishing residence in this state, or if he departs the
7 county prior to the passage of ten days, he shall register with
8 the county sheriff prior to his departure. When a sex offender
9 registers with the county sheriff, he shall provide the
10 following registration information:

- 11 (1) his legal name and any other names or
- 12 aliases that he is using or has used;
- 13 (2) his date of birth;
- 14 (3) his social security number;
- 15 (4) his current address;
- 16 (5) his place of employment;
- 17 (6) motor vehicle registration information for
- 18 all motor vehicles that the sex offender owns;

19 [~~(6)~~] (7) the sex offense for which he was
20 convicted; and

21 [~~(7)~~] (8) the date and place of his sex
22 offense conviction.

23 C. A sex offender who is a resident of another
24 state but who is employed in New Mexico or attending school in
25 New Mexico shall register with the county sheriff for the

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1 county in which the sex offender is working or attending
2 school.

3 D. A sex offender who is a resident of another
4 state but who is employed in New Mexico or attending school in
5 New Mexico shall register with the county sheriff no later than
6 ten days after beginning work or school. When the sex offender
7 registers with the county sheriff, he shall provide the
8 following registration information:

9 (1) his legal name and any other names or
10 aliases that he is using or has used;

11 (2) his date of birth;

12 (3) his social security number;

13 (4) his current address in his state of
14 residence and, if applicable, the address of his place of
15 lodging in New Mexico while he is working or attending school;

16 (5) his place of employment or the name of the
17 school he is attending;

18 (6) motor vehicle registration information for
19 all motor vehicles that the sex offender owns;

20 [~~(6)~~] (7) the sex offense for which he was
21 convicted; and

22 [~~(7)~~] (8) the date and place of his sex
23 offense conviction.

24 E. When a sex offender registers with a county
25 sheriff, the sheriff shall obtain:

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1 (1) a photograph of the sex offender and a
2 complete set of the sex offender's fingerprints; and

3 (2) a description of any tattoos, scars or
4 other distinguishing features on the sex offender's body that
5 would assist in identifying the sex offender.

6 F. When a sex offender who is registered changes
7 his residence within the same county, the sex offender shall
8 send written notice of his change of address to the county
9 sheriff no later than ten days after establishing his new
10 residence.

11 G. When a sex offender who is registered changes
12 his residence to a new county in New Mexico, the sex offender
13 shall register with the county sheriff of the new county no
14 later than ten days after establishing his new residence, or if
15 he departs the county prior to the passage of ten days, he
16 shall register with the county sheriff prior to his departure.
17 The sex offender shall also send written notice of the change
18 in residence to the county sheriff with whom he last registered
19 no later than ten days after establishing his new residence.

20 H. When a sex offender who is registered
21 subsequently becomes employed, begins a vocation or enrolls as
22 a student at an institution of higher education, the sex
23 offender shall send written notice of that status to the county
24 sheriff no later than ten days after becoming employed,
25 beginning a vocation or enrolling at an institution of higher

1 education. The sex offender shall also send written notice of
2 any change regarding his employment, vocation or enrollment
3 status to the county sheriff no later than ten days after the
4 change in his employment, vocation or enrollment status.

5 [H.] I. Following his initial registration pursuant
6 to the provisions of this section:

7 (1) a sex offender required to register
8 pursuant to the provisions of Subsection D of Section
9 29-11A-5 NMSA 1978 shall annually renew his registration with
10 the county sheriff prior to December 31 of each subsequent
11 calendar year for a period of twenty years; and

12 (2) a sex offender required to register
13 pursuant to the provisions of Subsection E of Section
14 29-11A-5 NMSA 1978 shall annually renew his registration with
15 the county sheriff prior to December 31 of each subsequent
16 calendar year for a period of ten years.

17 [I.] J. A sex offender who willfully fails to
18 comply with the registration requirements set forth in this
19 section is guilty of a fourth degree felony and shall be
20 sentenced pursuant to the provisions of Section 31-18-15 NMSA
21 1978.

22 [J.] K. A sex offender who willfully provides false
23 information when complying with the registration requirements
24 set forth in this section is guilty of a fourth degree felony
25 and shall be sentenced pursuant to the provisions of Section

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31-18-15 NMSA 1978. "

Section 2. ~~EMERGENCY.~~ --It is necessary for the public
peace, health and safety that this act take effect immediately.

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